

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE,

Plaintiff,

v.

CARNEGIE MELLON UNIVERSITY,

Defendant.

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Civil Action No. 2:17-CV-01574

JURY TRIAL DEMANDED

AFFIDAVIT OF TIMOTHY J. LYON, ESQ.

I, Timothy J. Lyon, Esq., being duly sworn, state as follows:

1. I am admitted to practice in and am a member of the bar of the courts of the Commonwealth of Pennsylvania and the United States District Court for the Western District of Pennsylvania, among others.

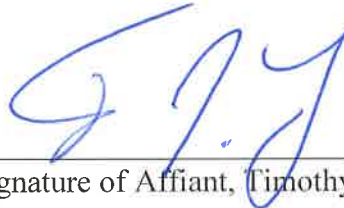
2. I am an attorney with the law firm of Leech Tishman Fuscaldo & Lampl, LLC, attorneys for the plaintiff, John Doe ("Plaintiff").

3. I submit this Affidavit in support of Plaintiff's Motion For A Temporary Restraining Order And Preliminary Injunction Prohibiting Defendant From Carrying Out A Second Disciplinary Hearing Against Plaintiff On December 6, 2017 And From Proceeding Against Him For Initiating The Instant Lawsuit (the "Motion"). I have personal knowledge of the matters set forth in this Affidavit.

4. Prior to the filing of the Motion, I communicated with counsel for Defendant Carnegie Mellon University ("CMU") via e-mail, providing CMU a copy of the Verified

Complaint and notice that I would be filing the Motion. A copy of the Motion and the brief in support thereof have also been provided to CMU. See Exhibit 1.

5. The factual allegations contained the Motion and its supporting brief are, to the best of my knowledge and belief, true and correct as they are taken from and incorporate the factual allegations in Plaintiff's Verified Complaint.




Signature of Affiant, Timothy J. Lyon

Subscribed and sworn to me, this 5th day of December, 2017.



Signature of Notary



Name of Notary

NOTARY PUBLIC

My commission expires: _____,

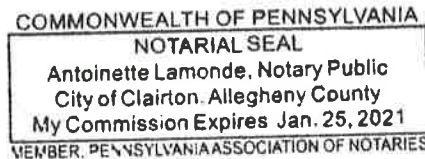


EXHIBIT 1

Timothy J. Lyon

From: Dan Munsch <dmunsch@andrew.cmu.edu>
Sent: Tuesday, December 05, 2017 10:11 AM
To: Timothy J. Lyon
Cc: James A. Mercolini; Mary Jo Dively
Subject: RE: Notice

Hi Tim:

Thanks for your email. We have engaged Casey Ryan and Jeff Weimer of Reed Smith to represent the University in this matter. Please direct any further communication on this matter to them.

Regards,
Dan

Daniel J. Munsch
AVP and Assistant General Counsel
Carnegie Mellon University
5000 Forbes Avenue
Pittsburgh, PA 15213
Phone: 412.268.7367
Fax: 412.268.2070

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From: Timothy J. Lyon [mailto:tlyon@LeechTishman.com]
Sent: Tuesday, December 5, 2017 10:09 AM
To: Dan Munsch <dmunsch@andrew.cmu.edu>
Cc: James A. Mercolini <jamercol@andrew.cmu.edu>; Mary Jo Dively <mjdively@andrew.cmu.edu>
Subject: RE: Notice

Dan –

In further follow up to the below, attached is a motion for temporary restraining order and preliminary injunction, supporting brief, and proposed order. I intend to file these documents now. Also, please note that I will include this email string as Exhibit 1 to the affidavit submitted with the motion for temporary restraining order and preliminary injunction.

As promised, I will update you as soon as I hear something from the Court.

Yours,
Tim

Timothy J. Lyon | Counsel
tlyon@leechtishman.com

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From: Timothy J. Lyon
Sent: Tuesday, December 05, 2017 8:57 AM
To: 'Dan Munsch'
Cc: 'James A. Mercolini'; 'mjdively@andrew.cmu.edu'
Subject: RE: Notice

Dan –

In follow up to the below, please know that the case has been assigned to the Honorable Nora Barry Fischer and the docket number is 2:17-cv-1754.

Attached are the documents related to the motion to proceed under pseudonym. I will file them shortly and send you as-filed copies.

The papers pertaining to the temporary restraining order and preliminary injunction will follow soon.

Again, do not hesitate to contact me with any questions.

Yours,
Tim

Timothy J. Lyon | Counsel
tlyon@leechtishman.com

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From: Timothy J. Lyon
Sent: Tuesday, December 05, 2017 8:00 AM
To: 'Dan Munsch'
Cc: 'James A. Mercolini'; 'mjdively@andrew.cmu.edu'
Subject: Notice

Dan –

Thank you for your letter on Friday, December 1, 2017, informing me that the university would not, as my client requested, halt the hearing scheduled for December 6, 2017. Because the university has declined to stop the proceedings, I prepared and filed the attached complaint on Monday in the United States District Court for the Western District of Pennsylvania. The case has not been opened yet, but I expect it to be soon.

Once the case is opened, I intend to file a motion/brief for leave to proceed under pseudonym for both my client and the complainant. I will also be filing a motion/brief for a temporary restraining order and preliminary injunction. As soon as I have received a judicial assignment and conformed the foregoing motions/briefs to that judge's chambers rules, I will send you copies of the motions/briefs and then file them.

I will update you immediately on any action/scheduling taken by the Court.

Do not hesitate to contact me with any questions, and if the university has outside counsel with whom you would like me to communicate, please let me know.

Yours,
Tim

Timothy J. Lyon | Counsel
tlyon@leechtishman.com

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